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ABSTRACT

There has been considerable concern about Tufts University's position regarding nepotism. It is felt that the Tufts administration should provide positive leadership to dispel present concerns and to encourage the employment of qualified academics who are married. Although antinepotism policies were originally passed to protect colleges and universities from the political pressures of having to hire incompetent people with influential connections and to prevent the formation of father-son alliances, they are now used almost exclusively as rationalizations not to hire or promote women who are married to faculty members. After considerable study of nepotism practices and their effects, it is evident that the elimination of antinepotism practices would have the following effects: (1) undergraduates would be able to see husband and wife teams working together professionally and dealing with the problems of dual-career marriages; (2) undergraduate women would be exposed to more good academic career models; (3) qualified women and men married to faculty members would be better able to utilize their valuable talent and resources; (4) Tufts would be assuming a position of leadership in providing equal opportunity for women; and (5) the university would have a larger pool of qualified female academics from which to choose. (HS)

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ANTI-NEPOTISM POLICIES AND PRACTICES

There has been considerable concern about Tufts' position regarding nepotism. We feel that the Tufts administration should provide positive leadership to dispel present concerns and to encourage the employment of qualified academics who are married.

Although anti-nepotism policies were originally passed "to protect colleges and universities from the political pressures of having to hire incompetent people with influential connections" and to prevent the formation of father-son alliances, they are now used almost exclusively as rationalizations not to hire or promote women who are married to faculty members.[1]

Alice Rossi points out a more subtle reason for the development and relative longevity of anti-nepotism rules. Many men (and women) still regard women as secondary wage earners only and tend to see all women in the role of homemaker and wife. In this frame of mind it is easy (but nevertheless wrong) to forget that women as well as men can have serious career plans. It is likewise "easy" to be insensitive to the fact that anti-nepotism policies discriminate against women.[2]

Anti-nepotism policies can appear in many forms. They can be formal rules or informal "gentlemen's agreements." In some institutions they are university-wide; in others they are found only in some departments. Although our primary focus here is the effect of

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these rules on hiring policies, policies of this type can also keep married academics from receiving tenure or retirement privileges, being promoted, or obtaining a salary increase.[3] Whatever their form, anti-nepotism practices are discriminatory and a major barrier to the employment of qualified women.

How prevalent are these policies? They are by no means universal. With increasing awareness and prodding from the government, anti-nepotism policies and practices are slowly being abolished in colleges and universities across the country. In 1959-60 the American Association of University Women surveyed 363 institutions concerning their anti-nepotism regulations. Of the 285 responding universities, well over half (55.4 percent) indicated that they had no anti-nepotism regulations or practices whatsoever. Another 18.2 percent said that they had informal restrictive practices relevant to some situations. The remaining institutions (26.3 percent) had formal anti-nepotism regulations. The study found that small private institutions were the most apt to have liberal policies.[4]

Below is a summary of some of the key issues:

Is it acceptable to have a husband and wife working in the same department?

Since this is the most often voiced question regarding the abolishment of anti-nepotism rules, we will deal with it first. In a 1971 report, Harvard noted that "a considerable number of chairmen

expressed objections to the appointment of a husband and wife in the same department." Although the authors of the report could "recognize and to some degree share the anxieties" that lay beneath these objections, they make their quite reasonable position clear:

> ...the number of academics married to academics is clearly increasing, and cases are bound to arise where both husband and wife deserve appointment. When they deserve it, they should have it: the resulting complications can be lived with. What cannot be lived with, in our opinion, is an unwritten nepotism rule which almost invariably penalizes the female half of the academic team. (emphasis added) [5]

On a less abstract level, in Academic Women Jessie Bernard reports a "general satisfaction" of the university community with the practice of allowing academic tandem teams to be on staffs. Apparently, any personal complications or problems are offset by the "competetive advantage which such a policy offers."[6]

In line with this reasoning, the Board of the AAUP adopted a policy encouraging the total elimination of all anti-nepotism policies and practices in June of 1971.[7]

Husband-wife faculty teams have a beneficial effect on students.

The presence of more husbands and wives working on the same faculty, even in the same department, provides a good model for students, especially female undergraduates, who are considering combining a career with marriage. With more and more academics marrying other academics, it is important for undergraduates to realize that it is possible for both to pursue their careers.

In Dual Career Marriages Rona and Robert Rapoport discuss some of the unique problems of marriages and families when both the husband and wife are in the paid work force. They point out that dual career marriages often have different problems and rewards than traditional marriages where only the husband works. The Rapoports stress the need for people to recognize and identify these differences so that they can select their own life styles wisely.[8] One of the best ways to learn about alternative life styles is to observe and speak with people who are living them. Unfortunately, because there are so few "tandem teams," examples of husband and wife working together, students rarely have this opportunity.

The presence of more tandem teams could help undergraduate women and men to come to understand the special stresses and rewards of dual career marriages and to make knowledgeable decisions about their own career-marriage patterns.

Anti-nepotism policies limit the career aspirations of many women.

Those most affected by an issue can often describe it the most effectively. Dr. George Salzman and his wife, Dr. Freda Salzman, both physicists, are currently contesting her dismissal because of anti-nepotism policies from the Physics Department at the University of Massachusetts in Boston. In an article in Science For the People, George Salzman points out the importance for women of having good academic career models:

> For women students there is a special concern. If they are to flourish to the full extent of their individual potentialities, then they must not be prevented...from encountering women who are complete persons. They must come into contact with women who have decided on difficult careers--such as physics--and who have been successful--as a matter of course, not as anomalies. One of the most effective means of keeping people suppressed is by robbing them of their aspirations, and one of the ways of achieving this is by denying them examples of people like themselves who have succeeded...Obviously, successful examples in all fields of endeavor are not less important for women than for blacks, Puerto Ricans, or any of the other suppressed groups within our society.

Dr. Salzman further points out that his wife's "decision to become a physicist was in no small part influenced by her first-hand exposure to a real live woman physicist."[9]

Clearly, the education provided to students at a university is not limited to formal classroom learning. Much of what is learned by students is "taught" more subtly--by example. The presence of more qualified women--career models--in positions of responsibility could help to raise the aspirations of undergraduate women so that they could use their education and intelligence more effectively.

While we are discussing the effects of anti-nepotism policies on women's aspirations, we should also examine their influence on a smaller group, faculty members' wives who have less than a Ph.D. The Berkeley study found that "Wives whose husbands were on the faculty with BAs or MAs also often felt discouraged about continuing

in graduate school, knowing that anti-nepotism rules will throw extra obstacles in their path when they try to find employment in the future."[10]

Anti-nepotism rules hinder the career development of married female academics.

If anti-nepotism policies continue, the problem of discrimination against married academics promises to become more and more acute. There is a growing tendency for highly educated individuals to marry other highly educated people in their own or very closely related fields. For example, in The Woman Doctorate in America Helen Astin reports that, in her sample, 61 percent of the women doctorates in the physical sciences and 45 percent of the women doctorates in the biological sciences married men in either the same field or a very closely related filed.[11] Similarly, Berkeley has reported that, of the men who reported that their wives had been hurt by anti-nepotism rules, almost two-thirds (64 percent) were in the same field as their wives. (This figure was 96 percent for women who had Ph.D.'s.)[12] Astin attributes this tendency of women to marry men in similar fields in part to the fact that many (a third) of the women in her sample were married while they were in graduate school.[13] Astin also documents the logical tendency of women doctorates to marry men of comparable education: about two-thirds of the women doctorates were married to men with either doctoral degrees, M.D.'s, or L.L.B.'s.[14]

The comments of male faculty members and their wives in the Berkeley report dramatize the unfairness of anti-nepotism practices:

> ...she is consigned to a job vastly inferior in all ways, though her qualifications are...better than many of the people the department does hire.
>
> I wanted to be an Acting Instructor... Such a position had been offered to me once before I was married. Now I was told I could not compete for the position because I'm the wife of a faculty member.
>
> She acts as a research associate of mine...but we can get no NSF or University support for the more than full time work she puts in because of these nepotism rules.[15]

Anti-nepotism rules tend to restrict the mobility and, hence, the career plans of one or both members of an academic couple, a "tandem team." Although the effects of these rules are most obvious in colleges located in rural or isolated areas, the problem of restricted mobility for both men and women is also very real for urban universities. The University of Chicago reports that, "The cases are increasing where the acceptance of an academic appointment by a man hinges on a job for his wife."[16]

The still prevailing, although hopefully changing, social norm is that the career plans of men should be placed above those of women. This is manifested partly in the presumed immobility of women. Universities are beginning to reject this antiquated notion. Chicago's Committee on Women reported in 1970 that:

> In instances where it is a woman who is wanted, it is not unknown that a chairman has worried about precipitating a family crisis should the husband receive a less satisfactory offer than his wife. We assume that

> the cultural norms in this connection are in flux. Although chairmen and deans must be responsive to the human needs in each situation, we suggest that the chairmen make sure to consult the woman in each such instance, lest he forclose his recruiting opportunities and lose talent for the University by presuming in advance what the woman's, or her husband's response will be. (emphasis added)[17]

Anti-nepotism policies are contrary to the concept of equal opportunity and to HEW policy.

Any policy which consistently impedes the career opportunities of any one group is in direct conflict with the principle of equal opportunity. Anti-nepotism policies consistently limit the careers of married people, especially married women.

The Berkeley study found that women with advanced degrees who were married to men on the faculty suffered the most from anti-nepotism practices. These wives were often only able to get temporary or part-time appointments. Some were forced to work outside their major field of interest or at other colleges or to stop work altogether for a time. Other women even worked as unpaid research or editorial assistants for their husbands.[18] Obviously, not equal opportunity...

As an advocate of equal opportunity, the U.S. Department of Health, Education and Welfare has taken the position that anti-nepotism policies are discriminatory and, therefore, not acceptable in institutions which receive federal support. HEW took a dim view of the anti-nepotism rules at the University of Michigan and

instructed Michigan to "Develop a written policy on nepotism which will ensure correct treatment of tandem teams." Further, Michigan was told to "Analyze past effects of nepotism and retroactively compensate (to 13 October 1968) any person who has suffered discrimination."[19]

Anti-nepotism rules make the search for qualified female academics more difficult.

Because of their own enlightenment, as well as increasingly specific and stringent federal regulations, more and more institutions of higher learning are searching for qualified women academics. Anti-nepotism rules severely decrease the pool of eligibles from which these qualified women can be drawn.* Institutions have wasted precious time and resources searching for highly educated and capable women when, in fact, competent female academics were quite literally "in their own backyard." Clearly, anti-nepotism rules hinder the recruitment of qualified female academics.

Anti-nepotism rules are being challenged in the courts as unconstitutional.

Currently, several cases are in the courts contending that the anti-nepotism rules discriminate against married women and men. Although there are no decided appeal cases, it is worthwhile to

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* For documentation, refer to the section entitled "Anti-nepotism rules hinder the career development of female academics."

examine these cases and note some of the arguments used in them.

According to Heather Sigworth (Indiana University College of Law), there is a rapidly growing body of law which says that, if a non-private employer is going to refuse to employ someone (or is going to fire someone whom he has already employed) he must have some rational reason for doing so. Further, if some fundamental constitutional right is involved (such as freedom of speech or religion), the employer must have "a really good reason" for his actions.

The cases being argued maintain that anti-nepotism rules discriminate against married people (both men and women).* The cases contend that anti-nepotism regulations as they apply to married men and women affect the following fundamental rights:

- They interfere with a person's right to marry whomever he or she chooses.
- As marriage can be considered an association, they interfere with a person's associational rights.
- These rules interfere with one's right to religious determination, to the freedom of religion guaranteed in the first amendment.

Further, since husband and wife (as opposed to siblings, grown children and their parents, or other relatives) customarily live together, anti-nepotism rules are especially discriminatory against them. In effect, these arguments shift the burden of responsibility to the employer and require him to show a "really good, rational

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* Ms. Sigworth pointed out that it is only necessary to show that these rules affect married people the most, not that the rules explicitly state that they apply primarily to husband and wife.

reason" for any anti-nepotism policies.

Both class action and individual suits have been filed and are currently pending. A class action suit was filed in Arizona a while ago. However, before this case was decided, Arizona changed its anti-nepotism rules on the advice of the Arizona State Attorney General's Office.[20]

In conclusion, the elimination of anti-nepotism practices would have the following effects:

- Undergraduates would be able to see husband and wife teams working together professionally and dealing with the problems of dual career marriages.
- Undergraduate women would be exposed to more good academic career models.
- Qualified women and men married to faculty members would be more able to utilize their valuable talent and resources.
- Tufts would be assuming a position of leadership in providing equal opportunity, as well as being in compliance with HEW policy.
- The university would have a larger pool of qualified female academics from which to choose.

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Because the Dean of the Faculty is the person most responsible for faculty employment, we feel that a statement from your office regarding anti-nepotism policies would be most appropriate. Several universities, Stanford, S.U.N.Y., Wisconsin, and Minnesota among

them, have made statements along the following lines:

Tufts University encourages department chairmen to seek the best qualified individuals to fill vacancies. We do require evidence that a special effort has been made to find a woman or a member of a minority group for a job. In addition, I would like to make it clear that if the most qualified applicant is the spouse of a Tufts employee, even within the same academic department, this person should be employed. The presence of husband and wife teams within a department, and husbands and wives working on the same faculty, provides a model for undergraduates who, during their undergraduate careers, are studying alternative lifestyles and making choices about their own career-marriage patterns.

At the same time, no faculty member, department chairman, dean or other administrative officer shall vote, make recommendations, or in any other way participate in the decision of any matter which directly affects the appointment, tenure, promotion, salary, or other status or interest of a close relative.

FOOTNOTES

1. Rita J. Simon, Shirley M. Clark and Larry Tifft,"Of Nepotism, Marriage and the Pursuit of an Academic Career," Sociology of Education, 39, 1966, p.357.

2. Alice S. Rossi, "Discrimination and Demography Restrict Opportunities for Academic Women," Hearings before the Special Subcommittee on Education on Section 805 of H.R. 1698, Discrimination Against Women, Part 2, 91st Congress, 1971, p.925.

3. Jessie Bernard, Academic Women (New York: The World Publishing Company, 1964), p.102.

4. University of California, Committee on Senate Policy, Report of the Subcommittee on the Status of Academic Women on the Berkeley Campus, (Berkeley: University of California, 1970), p.15.

5. Harvard University, Faculty of Arts and Sciences, Report of the Committee on the Status of Women in the Faculty of Arts and Sciences, (Cambridge: Harvard University, 1971), p.36-37.

6. Bernard, op. cit., p.103.

7. AAUP Bulletin, (Summer, 1971) p.221.

8. Rona and Robert Rapoport, Dual Career Marriages (London: Penguin, 1970).

9. George Salzman, "Discrimination at U. Mass: Woman Scientist Fights Back," Science for the People (April, 1971).

10. University of California, op. cit., p.13.

11. Helen S. Astin, The Woman Doctorate in America, (Hartford: Russel Sage Foundation, 1969), p.29.

12. University of California, op. cit., p.11.

13. Astin, op. cit., p.29.

14. Ibid., p.143.

15. University of California, op. cit., p.11-12.

16. University of Chicago, Committee of the Council of the University Senate, Women in the University of Chicago: Report of the Committee on University Women (Chicago: University of Chicago, 1970), p.17.

17. Ibid., p.18.

18. University of California, op. cit., p.11.

19. Science, Vol. 170 (Nov. 20, 1970), p.834.

20. Telephone interview with Heather Sigworth, Indiana University College of Law, Indianapolis, Indiana, January 12, 1972.